

### **REMARKS/ARGUMENTS**

Claims 14 and 16 have been amended by this Amendment. Claims 1-18 are currently pending in the application, are rejected, and are issue.

#### **Claim Objections**

The Examiner has objected to claim 14 indicating that the recitation "tubular steel" at line 6 thereof should be "tubular sleeve". In response, Applicant has amended claim 14 to recite a "tubular sleeve" at line 6. Applicant submits that the Examiner's objection has been overcome, and respectfully requests withdrawal thereof.

Additionally, Applicant has amended claim 16 to correct certain terminology. In claim 16, Applicant has replaced the term "steel rod" with "steel bar", so that the terminology is consistent with claim 14, from which claim 16 depends.

#### **§ 112 Claim Rejections**

The Examiner has rejected claims 1-18 under § 112, second paragraph, as being indefinite. The Examiner alleges that the terms "hollow drill shaft", "hollow elongate member", and "hollow drill steel"<sup>1</sup> are indefinite in that the drill shaft disclosed in the drawings is not hollow but rather solid. Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

Applicant submits that the application as filed includes sufficient support for a hollow drill shaft. Specifically, support for a hollow drill shaft can be found in the first full paragraph on page 7. The last sentence of that paragraph reads, "[h]owever, the shaft 12 can include a

---

<sup>1</sup> Applicant cannot find this term in the claims, but acknowledges that the term "elongated hollow steel bar" is used in claims 14 and 17.

conventional passage 121 to permit pressurized air to be forced through the air gaps 84." The conventional passage referred to therein is a passage extending along the length of the drill shaft 12 to allow air to flow therethrough. For clarification, the conventional passage 121 has been added to Fig. 2, and is shown in the new drawing sheet attached hereto. No new matter has been added. Accordingly, Applicant submits that the specification includes sufficient support for the hollow drill shaft, which is now clearly shown in the drawings. Accordingly, Applicant believes that the Examiner's § 112 claim rejection has been overcome, and respectfully requests withdrawal thereof.

### **Double Patenting Rejection**

The Examiner has rejected claims 1-18 under the judicially created doctrine of obviousness-type double patenting over claims 1-7 of commonly owned U.S. Patent No. 6,732,820 (the "'820 patent"). In response, Applicant submits herewith the enclosed Terminal Disclaimer. Applicant submits that the Terminal Disclaimer overcomes the Examiner's rejections, and respectfully requests withdrawal thereof.

### **§ 135(b) Rejection**

The Examiner has rejected claims 14-18 under 35 USC § 135(b) as not being made prior to one year from the date on which U.S. Patent No. 6,220,373 (the "'373 patent") was granted. Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

Claims 14-18 of the present application are not identical to the claims of the '373 patent. Claims 14-18 recite an "elongated hollow steel bar", whereas the claims of the '373 patent recite an "elongated solid steel bar". Moreover, the present application and the '373 patent are commonly owned by Woodings Industrial Corporation. Accordingly, Applicant submits that the Examiner's § 135(b) rejection is improper.

Applicant believes the appropriate rejection should be an obviousness-type double patenting rejection, since the present application and the '373 patent are commonly owned and the claims are not identical. In that regard, and pursuant to a discussion the undersigned had with Examiner Neuder, the Terminal Disclaimer filed herewith includes a disclaimer of both the '820 and '373 patents. Accordingly, Applicant submits that the rejection based on the '373 patent has been overcome, and respectfully requests withdrawal thereof.

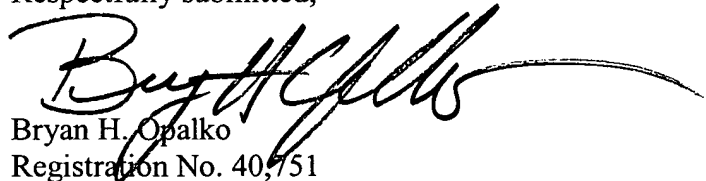
### **Conclusion**

In view of the submissions and arguments set forth herein, Applicant submits that claims 1-18 of the present application are in condition for allowance. Early notification to that effect is respectfully requested.

Applicant believes that the only fee required is the fee for filing the Terminal Disclaimer, for which a check for \$55.00 is enclosed. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 02-4553.

Dated: 10-15-2004

Respectfully submitted,



Bryan H. Opalko  
Registration No. 40,751  
BUCHANAN INGERSOLL PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, Pennsylvania 15219  
ph: (412) 562-1893  
fx: (412) 562-1041  
e-mail: opalkobh@bipc.com  
Attorney for Applicant(s)

**Amendments to Drawings:**

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet 2/4 including Fig. 2. In Fig. 2, the passage 121 has been added.

Attachment:           Replacement Sheet  
                          Annotated Sheet Showing Changes

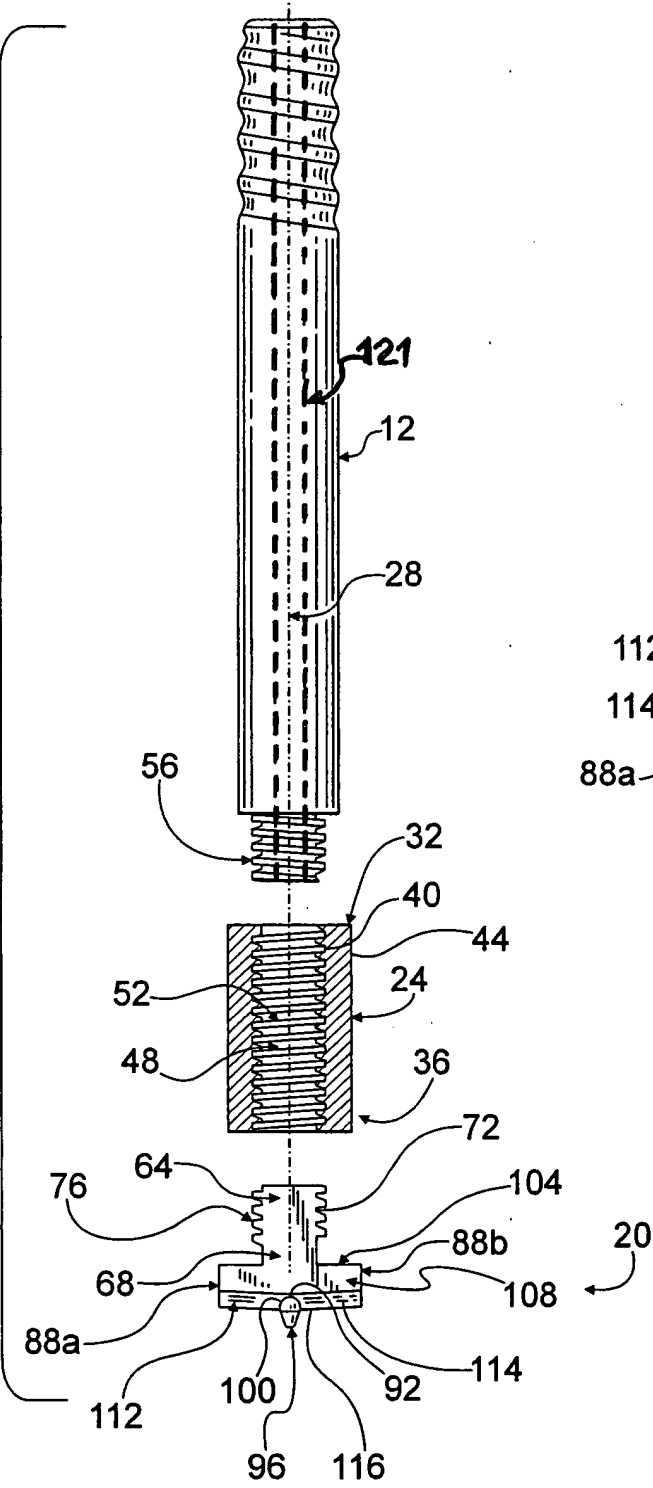


Fig. 2

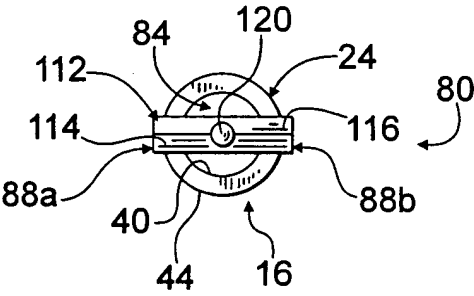


Fig. 3